

REMARKS

No amendment is made in the present response.

Claims 1-20 are pending in the present application.

In the Office Action, claims 1, 3, 5, 9, 11, 13, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as obvious over Feuling in view of Arnott et al. (Arnott).

The rejection is respectfully traversed. Feuling discloses a branch tube, and Arnott discloses closed tubes. However, there is no suggestion in Feuling and Arnott that a branch tube may be combined with a closed tube. Rather, Arnott teaches away from such a combination because Arnott stresses the importance of a compact device that fits into the housing described in Arnott. In addition, within the housing of Arnott, each closed tube opens at a different location along the main exhaust tube. Thus, even if, arguendo, a person of the art had attempted to combine branch tubes and closed tubes in a noise attenuator, that person would have added a branch tube outside of the group of closed tubes disposed in the box of Arnott. In any case, that person would not have located the openings of the branch tube at the level of the opening of a closed tube.

In contrast, in the presently claimed invention, the closed tube or tubes are connected to the branch tube at the level of the connections of the branch tube, as recited in present claim 1. This feature and its advantages are not taught or suggested in Arnott and Feuling, and therefore, the present claims are not obvious over any combination of the cited combination of references.

In view of the above, it is submitted that the rejection should be withdrawn.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

Serial Number: 09/875,144

Group Art Unit: 2837

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Nicolas E. Seckel  
Attorney for Applicants  
Reg. No. 44,373

**Atty. Docket No. 010712**

1250 Connecticut Avenue NW Suite 700

Washington, D.C. 20036

Tel: (202) 822-1100

Fax: (202) 822-1111

Customer No.: 38834

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